

JULY 17, 2015

The Tennessee Peace Officer Standards and Training Commission met on Friday, July 17, 2015, at 9:30 a.m., at the Tennessee Law Enforcement Training Academy Annex, 3025 Lebanon Road, Nashville, Tennessee.

Chairman Ric Wilson called the meeting to order and welcomed everyone to the meeting. The chairman recognized Vice-Chair Kim Wallace, who read the following disclaimer: All POST Commissioners have previously agreed to recuse themselves from any vote that would constitute a conflict of interest. The most obvious of these would include issues that involve our own departments or someone we know personally. Because we have already agreed to this, it should be noted that on routine matters, it will be assumed nonverbally that these commissioners have abstained from the vote. In bigger more controversial issues that may have a more overt conflict of interest or may have an appearance of impropriety, applicable commissioners will still verbally abstain from those votes.

Chairman Wilson entertained a motion for adoption of the agenda. Commissioner Chrisman so moved, seconded by Commissioner Fanion, which motion carried.

Chairman Wilson asked Mr. Ray Farris to conduct roll call, which reflected the presence or absence of the following commissioners: Baker – absent; Bennett – absent; Fanion – present; Chrisman – present; Jenkins – absent; Lax – present; Lewis – absent; Long – present; Rhoades – present; Wallace – present; Wheeler – present; Williamson – present; Wilson – present; Rept. Barrett – absent; Senator Bell – present; General Cherry – present.

It was noted a quorum was present.

Chairman Wilson called for approval of the Minutes of the June 19, 2015 POST meeting. Commissioner Williamson moved for approval, seconded by Commissioner Rhoades. There being no discussion, the motion carried.

The Informal Hearing Committee did not meet in July.

APPEARING BEFORE THE COMMISSION/

WAIVERS FOR PREEMPLOYMENT REQUIREMENTS – 1110-02-.03 + 1110-9-.04

McKenzie PD – Boaz, James Marcus – Request a waiver for a charge of Wildlife Rules and Regs. Violations he received on 09-03-2011 in Henry County, TN. He had forgotten to put the plastic plug in the shotgun his wife was using, the gun jammed and while he was trying to repair the jam a Game Warden walked up and the shotgun had six shells, when only 3 rounds are allowed while dove hunting. He was given a ticket for \$374. He became full time on 06-22-2015 and will be attending the August, 2015 basic at TLETA. Request waiver so upon successful completion of the academy he may be issued POST Certification.

Mr. Boaz was present requesting the waiver along with the Chief of Police Craig Moates.

Commissioner Lax moved for approval, seconded by Sen. Bell, which motion carried.

South Carthage PD – Apple, David Glenn

Mr. Apple previously was employed with the Smith County SO from 10-01-05 until 07-21-07. According to POST records he has not been employed since that time as a full-time officer. He states that he has been full-time and has provided Time Sheets to Mr. Farris indicating he was full-time. POST has no documentation since 07-2007. He is employed with South Carthage PD, POST has no current records at this time. He wanted to clear up the error so he does not have to attend the Transition School.

Mr. Apple was present requesting the waiver. He explained that he and the previous sheriff do not know why he was put in as part-time. He said his records show he has been employed forty hours plus a week

during that time. Mr. Apple stated it was a clerical error. Mr. Apple said he did not receive salary supplement but asked William Trusty and Billy Langford numerous times concerning the salary supplement and he was told they would take care of it, but he never received salary supplement. Commissioner Wheeler asked Mr. Apple what his duties were during that time. Mr. Apple replied that he was a patrol deputy. There were no representatives from the department to speak. Commissioner Chrisman asked Mr. Welch if POST has any records on file regarding the situation. Mr. Welch said if the department did not submit Mr. Apple for salary supplement, that would be the only thing POST would have. Mr. Farris added that Mr. Apple's status was changed to part-time, therefore, the department did not send the records in. Mr. Apple did send in his time sheets and the majority of the weeks showed forty hours or more, but there were one or two weeks that were under forty hours. Mr. Farris explained it is hard for POST to make that determination based on a time sheet because many departments will work their part-time employees over the requirement, regardless of what the rules say. Mr. Farris said that when Mr. Apple's status changed, the department was not required to send any records in.

Mr. Apple remarked that during this period, a new sheriff was elected with no experience in law enforcement and the department experienced a lot of paperwork problems during that time. He said that some way, the wrong box was checked on his employment status. Commissioner Chrisman asked Mr. Apple if he has any paperwork himself that would show his training and where he received his in-service. Mr. Apple answered that he may have most of it, saying he would go to Trousdale County, Wilson County, Macon County and Mt. Juliet and participate in their in-services.

Mr. Welch clarified that a few weeks prior, he and Mr. Murphy went out and audited some agencies across the state and said this is typical to find in a smaller agency because they were not required to submit part-time paperwork. Now that the Acadis system has been implemented, POST is requiring that paperwork and will have the opportunity to gain knowledge of what is going on as far as part-time work. Mr. Welch said that POST has operated for years saying that anything over twenty-one hours a week or one hundred hours a month is considered full-time.

Commissioner Wheeler asked if departments are doing this to up their manpower by listing two part-time employees and working them full-time in order to meet their county budgets. Mr. Welch remarked the departments will try to work officers where they do not meet the county or the city's requirement to be considered full-time in order not to have to pay benefits. Mr. Apple said the city did provide him insurance benefits but he could get it cheaper somewhere else.

Commissioner Long moved to continue the matter in order to allow Mr. Apple to gather his evidence and to also receive sworn affidavits from administration and have it come back to the commission, seconded by Commissioner Williamson.

Investigator Murphy asked Mr. Apple if he had worked full-time at Smith County at one point and then resigned and then came back in two or three months thinking that he was full-time. Mr. Apple confirmed that to be the case but did not know why he was listed as part-time. Mr. Welch said the problem is the department never resubmitted the documentation showing Mr. Apple as full-time.

Mr. Underwood explained the motion to Mr. Apple and clarified that he needs to submit any in-service training records he has or copies of calendars as well as affidavits of the former chief or deputy that would say he was working forty hours a week at that time. Mr. Welch remarked that the prior chief deputy is now deceased but Mr. Apple can get an affidavit from someone who has been in administration for a period of time.

Mr. Grisham said the only issue is that it would erase a seven-year break in service. Mr. Apple needs in-service records to show a less than five-year break in service so that he will not have to attend transition school. Mr. Underwood asked if a waiver of the six-month rule would be required in this case. Mr. Apple replied that his start date with South Carthage is April.

The motion to continue the matter passed.

Sen. Bell asked if full-time is not defined by how many hours an officer works but is rather just a designation. Commissioner Wilson answered full-time is supposed to be defined as over twenty-one hours per week or one hundred hours a month.

Mr. Apple remarked that he did not know if he could attend the meeting in August. Mr. Underwood commented that if Mr. Apple would submit the documentation requested and let POST review it and it is sufficient, he should not have to be present. Mr. Farris asked Mr. Apple to send the documentation to him and he would present it to the POST Commission if Mr. Apple is not able to attend.

Chairman Wilson asked if the POST Commission needs to do a waiver of the six-month rule. Mr. Welch suggested that the waiver be given should there be a problem and Mr. Apple not be able to get all the documentation in on time.

General Cherry moved to approve the six-month rule waiver, seconded by Commissioner Williamson. The motion carried.

Commissioner Wheeler addressed the Commission noting that they need to recognize the events which occurred in Chattanooga on July 16 and how that will effect law enforcement throughout the state of Tennessee and the United States and, at the commissioner's suggestion, the Commission observed a moment of silence.

Chairman Wilson noted the commissioners should have an Addendum to the agenda which contained the following requests:

WAIVERS FOR PREEMPLOYMENT REQUIREMENTS -
1110-02-.03 + 1110-9-.04

COLUMBIA POLICE DEPARTMENT – RYAN WALTER WEBB – is requesting a waiver for 1110-02-.03 – Law Enforcement Officer Certification Requirements. Ryan Walter Webb was convicted of Driving Under the Influence and Failure to report an accident in New Jersey on 7/19/2006. Ryan is now 27 and has no other charges or convictions since this incident. I am including copies of the related court documents.

Mr. Webb was present along with Chief Tim Potts. Mr. Webb explained that he was drinking and lost control of his vehicle and hit a telephone pole. Mr. Webb said he panicked and pulled his vehicle onto a side street. The police showed up and administered a field sobriety test, which Mr. Webb failed.

Commissioner Wheeler asked Chief Potts if he is aware of the incident and still wants Mr. Webb on his staff. Chief Potts answered affirmatively and said Mr. Webb has interviewed twice with the department and added that Mr. Webb is dedicated and wants to be a law enforcement officer. He was previously with the TN Department of Correction and was a successful employee there. The event occurred approximately nine years ago when Mr. Webb was nineteen years old. The chief said he thinks Mr. Webb has redeemed himself since then and understands what he did.

Commissioner Wheeler moved to approve, seconded by Commissioner Fanion. The motion carried.

Commissioner Wheeler told Mr. Webb that he himself was given a second chance as a young officer and Mr. Webb is now being given a second chance and implored Mr. Webb to talk to other young officers and how he made a mistake in drinking and driving. He told Mr. Webb to volunteer to pick other officers up and do what he has to do in that regard and added that the number one problem in the state of Tennessee

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with law enforcement is being under the influence of alcohol and how they respond. Commissioner Wheeler told Mr. Webb to go out and set a positive example for other law enforcement officers.

RUTHERFORD COUNTY SHERIFF'S OFFICE – HENLEY, TIMOTHY DONALD – is requesting a charge of Driving While Intoxicated he received August 19, 1983 in Rutherford County, TN be waived so that he can attend the Basic Academy on August 2, 2015. On August 19, 1983, Mr. Henley attending a pre-wedding party with friends in Nashville. Mr. Henley was returning to Murfreesboro at approximately 02:30 a.m., on I-24. Mr. Henley was pulled over by the TN Highway Patrol. Mr. Henley was arrested for DWI. Mr. Henley was convicted of DWI November 4, 1983. He paid his fine in full, served 48 hours in jail.

Mr. Henley is also requesting a waiver for a Worthless Check for \$155.00 on April 21, 1990. Mr. Henley was fined \$25.00 plus court costs, which he paid in full, placed on probation for 11 months, 29 days.

Mr. Henley was present and explained the situation. He explained he was pulled over for speeding and admitted to attending the pre-wedding party and drinking and failed the sobriety test. Mr. Henley said he was twenty-two years old at the time. He went on to explain how the incident affected him and how he kept the Moped that he had to ride for a year as a reminder of what he went through when he was twenty-two. He admitted that that night was a bad decision on his part and that taught him a valuable life lesson. The sheriff's department is aware of the incident and wants to employ him.

Commissioner Rhoades noted there is also a request for a waiver for a Worthless Check charge and asked Mr. Henley concerning that. Mr. Henley answered that he remembers going to pay for the worthless check. He explained this was during a time his wife was going through treatment for cancer at Vanderbilt. He said he was notified that there was a bad check in her name and once he was notified, he went to the General Sessions Clerk the next day and picked up the check and paid for it. He said he does not remember the date. Mr. Farris replied that he had conducted a search on this charge and it was 1990 and has been paid in full.

Commissioner Chrisman noted he would abstain on this matter.

Chairman Wilson entertained a motion for a waiver on the DUI charge. Commissioner Wheeler moved to approve the waiver, seconded by Commissioner Fanion. The motion carried.

The chairman entertained a motion on the Worthless Check charge. Commissioner Wheeler moved to approve, seconded by Commissioner Fanion. The motion carried.

Commissioner Wheeler told Mr. Henley that he had heard what the commissioner said earlier to the previous person. He said that Mr. Henley coming in as an older officer and the story concerning the Moped is a great story for in-service in that he has a daily reminder and asked him to share that every time he gets a chance.

PERRY COUNTY SHERIFF'S OFFICE – O-NEAL, MICHAEL – requests a waiver for pre-employment military discharge for Michael O'Neal. He had completed the basic training for the National Guard and injured his hand at his full-time job and was unable to complete his AIT training because of his injury. This resulted in his uncharacterized discharge. The department is respectfully requesting POST to accept this request of waiver. .

There was no one present on behalf of Perry County SO. Mr. Grisham explained this was a breach of contract and is an administrative waiver situation. He added that he told the department they did not have to appear.

Commissioner Rhoades moved to approve the waiver, seconded by Commissioner Williamson. The motion carried.

MONTGOMERY COUNTY SHERIFF'S OFFICE – STEPHENSON, SCOTT – previously served for one and one-half months service in the United States Marine Corps. His DD-214 indicates type of separation as Entry Level with an Uncharacterized Discharge due to a non-disabling, involuntary physical condition. The department is respectfully seeking a waiver on that basis.

Commissioner Rhoades moved to approve the waiver, seconded by Commissioner Chrisman. The motion carried.

WAIVER OF BASIC TRAINING – 1110-02-.03 + 1110-9-.02

The following requests for Waiver/Substitution of Basic Training have been reviewed and appear to meet POST requirements:

1. Bradford PD – Perry, Sherman Lee - Request is made for a waiver to allow Officer Perry to attend the September POST Transition School. He attended TLETA graduating on 8-31-2001 and was employed with the Gleason Police Department from 4-93 to 12-05. He became full time with the Bradford PD on 03-13-2015. Request is for a waiver to attend the Transition School in order to become recertified.

2. Cannon County SO – Faults, Gregory Allen –Request is made to attend the September Transition School. He completed basic at TLETA graduating on 10-20-07 while employed previously with the Cannon County SO from 06-2005 until 12-09-2009. He became full time with Cannon County on 01-19-2015 and the request is made to allow him to attend the Transition school in order to become recertified. Also request a waiver of the six month rule.

3. Cocke County SO – Noyes, Malcom O. – Request is made to allow Deputy Noyes to attend the September Transition School. He completed WSCC graduating on 05-30-2008 and became full time on 05-26-2015. Request is to allow him to attend and upon successful completion of the Transition School be issued POST Certification.

Mr. Welch noted that an email was received on July 15th from the Cocke County SO stating that Mr. Noyes has tendered his resignation, therefore, no action is required.

4. Cleveland PD – Fredericks, John Russell – Request is made to issues Officer Fredericks a POST Certificate. He became full time with Cleveland PD on 06-08-2015 and was previously employed with the 10th Judicial DTF from 07-2007 to 03-2015, completing CSCC on 12-12-2008 and was issued a Certificate of Compliance. Request to be issued POST Certification at this time.

Commissioner Williamson moved for approval of Items 1, 2 and 4, seconded by Commissioner Rhoades, which motion carried.

SPECIALIZED SUBSTITUTIONS FOR IN-SERVICE TRAINING – 1110-4-.09

The following items, numbers 1 through 14 requests for approval of Specialized Training Substitution, have been reviewed and appear to meet the guidelines set forth in POST Rule 1110-04-9. T.C.A. mandated Child Sexual Abuse, EVOC, Mental Illness and Firearms qualifications must be completed and documented to complete requirements for In-service training, if not included in the curriculum of these courses.

1. Bartlett PD - Request approval of Specialized Training Substitution for the following Officers:

Mark N. Gaia – “Clandestine laboratory investigation” – RCTA – Meridian, MS – June 1-4, 2015 – 40 Hrs.

2. Clarksville PD - Request approval of Specialized Training Substitution for the following Officers:

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John W. H. Neal & Justin M. Neagos – “Patrol officers response to street drugs” – RCTA – Meridian, MS – April 13-17, 2015 – 40 Hrs.

3. Crossville PD - Request approval of Specialized Training Substitution for the following Officers:

Brian D. Tilley – “Developing law enforcement managers” – IPTM – Jacksonville, FL – January 19-23, 2015 – 40 Hrs.

4. Greene Co. SO - Request approval of Specialized Training Substitution for the following Officers:

Nicholas R. Milligan – “ILEETA training conference” – ILEETA – Wheeling, IL – April 20-25, 2015 – 48 Hrs.

5. Hawkins Co. SO - Request approval of Specialized Training Substitution for the following Officers:

Ralph L. Gallion – “Taser Conducted Electrical Weapon” – Taser Training Academy – Williamsburg, KY – March 3, 2015 – 8 Hrs.

Scott A. Stewart – “Basic Drug Enforcement Surveillance” – RCTA – Meridian, MS – June 8-11, 2015 – 32 Hrs.

Stephen C. Britton, Greg E. Larkin, Robert D. Moffitt, Jeremy D. Nash, Nathan D. Simpson – “High risk warrant planning & execution” – RCTA – Meridian, MS – May 18 – 22, 2015 & June 8-12, 2015 – 40 Hrs.

6. Madison Co. SO - Request approval of Specialized Training Substitution for the following Officers:

Christopher C. Long – “Task force officer school” – Drug Enforcement Administration – Atlanta, GA – June 1-5, 2015 – 28 Hrs.

Andrew W. Smith – “XRY certification training” – Micro Systemation AB – Arlington Heights, IL – May 18-19, 2015 – 16 Hrs. Also: “XRY Intermediate training” – May 20-22, 2015 – 24 Hrs.

7. Madisonville PD - Request approval of Specialized Training Substitution for the following Officers:

Craig A. Summey – “NRA law enforcement firearms instructor for handgun and shotgun instructor development school” – Univ. of North Alabama Public Safety Institute – Florence, AL – February 23-27, 2015 – 44 Hrs.

8. Putnam Co. SO - Request approval of Specialized Training Substitution for the following Officers:

William E. Farris & Charles J. Greenwood – “IALEFI Annual Training Conference” – IALEFI – Palm Beach County Florida – May 17-22, 2015 – 16 Hrs.

9. Rockwood PD - Request approval of Specialized Training Substitution for the following Officers:

Daniel R. Wright – “Executive Leadership Institute” – FBI – Daytona Beach, FL – May 18-21, 2015 – 32 Hrs.

10. Savannah PD - Request approval of Specialized Training Substitution for the following Officers:

Timmy J. Barker, Victor W. Cherry, Mark A. Ivey, Mark A. Mitchell, Dusty M. Parrish, Allen J. Snelling – “FBI 1st Line supervisors course” – FBI – Univ. of N. Alabama College – June 9-10, 2015 – 16 Hrs.

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Robert G. Steward – “Commercial vehicle interdiction” – RCTA – Meridian, MS – June 9-11, 2015 – 16 Hrs.

11. Selmer PD - Request approval of Specialized Training Substitution for the following Officers:

Robert L. Heathcock IV & Christopher A. Sides – “Clandestine laboratory investigations” – RCTA – Meridian, MS – June 1-4, 2015 – 40 Hrs.

12. White House PD - Request approval of Specialized Training Substitution for the following Officers:

Kia N. Vanatta & Andrew K. McGregor – Patrol officers response to street drugs” – RCTA – Meridian, MS – June 15-19, 2015 – 40 Hrs.

13. Memphis Airport PD - Request approval of Specialized Training Substitution for the following Officers:

Jerry E. Brandon – Dignitary protection seminar” – U.S. Secret Service – Washington D.C. – June 1-5, 2015 – 32 Hrs.

14. Vanderbilt University PD - Request approval of Specialized Training Substitution for the following Officers:

Vivienne T. Irizarry – “2015 International Assoc. for healthcare security & safety conference” – IAHS – St. Louis, MS – May 3-6, 2015 – 14 Hrs.

Commissioner Chrisman moved to approve Items 1-14, seconded by Commissioner Fanion. The motion carried.

APPLICATIONS FOR TRAINING OFFICER – 1110-04-.03

The following items, Numbers 1 through 4, Applications for Training Officer, have been reviewed by POST Investigators and appear to meet criteria for approval. The officers will be informed that they must complete and Instructor Development course within the next 12 months.

1. Bristol PD – Brown, Walter Scott - Request Lt. Brown to become the training officer for the department. He has 16 years in law enforcement and has completed the required Instructor Development.

2. Clay County SO – Jacoby, Robert James - Request Deputy Jacoby to become the training officer for the department. He has 7 years in law enforcement and has completed the required Instructor Development.

3. Etowah PD – Shaw, James Robert - Request Detective Shaw to become the training officer for the department. He has 19 years in law enforcement and has completed the required Instructor Development.

4. Grainger County SO – Spoone, Edward Leon - Request Captain Spoone to become the training officer for the department. He has 30 years in law enforcement and has completed the required Instructor Development.

Commissioner Chrisman moved to approve Items 1-4, seconded by Commissioner Rhoades. The motion carried.

Commissioner Chrisman asked to revisit the request from Cannon County SO, Gregory Allen Faults, and noted that there was also a request for a waiver of the six-month rule and wanted to be clear that the six-month waiver was approved as a part of that request. Mr. Underwood replied that a second motion could be made to cover that.

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Commissioner Chrisman moved to approve the waiver of the six-month rule for Cannon County on Gregory Allen Faults, seconded by Commissioner Fanion. The motion carried.

APPLICATIONS FOR CERTIFIED INSTRUCTOR – 1110-03-.04

The following items Number 1 through 16, have been reviewed by POST Investigators, and appear to be in order and meet minimum standards:

1. Dandridge PD – McMahan, James R. - Request Officer McMahan to become Specialized Instructor in the following area[s]:

Defensive Driving

Officer McMahan has been with the department since 2013 and has a total of 6 years of law enforcement experience, and has completed the required course as well as Instructor Development.

2. Etowah PD – Shaw, James Robert - Request Detective Shaw to become Specialized Instructor in the following area[s]:

Officer Survival
Sex Crimes
DNA Identification
Domestic Violence

Detective Shaw has been with the department since 2011 and has a total of 22 years of law enforcement experience, and has completed the required courses as well as Instructor Development.

3. Gibson County SO – Morris, Jerry Dalton - Request Deputy Morris to become Specialized Instructor in the following area[s]:

Firearms

Deputy Morris has been with the department since 05/2015 and has a total of 25 years of law enforcement experience, and has completed the required course as well as Instructor Development.

4. Gibson County SO – Ribble, Shaun Alan - Request Deputy Ribble to become Specialized Instructor in the following area[s]:

Firearms

Deputy Ribble has been with the department since 05/2015 and has a total of 12 years of law enforcement experience, and has completed the required course as well as Instructor Development.

5. Knox County SO – Brooks, Michael Verion - Request Captain Brooks to become a General Departmental Instructor for the Department. He has 28 years of experience, and has completed the required Instructor Development.

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6. Memphis PD – Javer, Michael - Request Lt. Javer to become Specialized Instructor in the following area[s]:

DUI SFST Instructor

Lt. Javer has been with the department since 1989, and has completed the required course as well as Instructor Development.

7. Metro Nashville PD – Johnson, Jr., Burl Eddy - Request Officer Johnson to become Specialized Instructor in the following area[s]:

Firearms

Officer Johnson has been with the department since 1995, and has completed the required course as well as Instructor Development.

8. Metro Nashville PD – Johnson, Jr. Burl Eddy- Request Officer Johnson to become a General Instructor for the Training Academy. He has 20 years of experience, and has completed the required Instructor Development.

9. Metro Nashville PD - Rader, Jason Bart - Request Officer Rader to become a General Instructor for the Training Academy. He has 16 years of experience, and has completed the required Instructor Development.

10. Metro Nashville PD – Rader, Jason Bart - Request Officer Rader to become Specialized Instructor in the following area[s]:

Defensive Driving
Defensive Tactics
Emergency Medical
Firearms

Officer Johnson has been with the department since 1999, and has completed the required courses as well as Instructor Development.

11. Metro Nashville PD - Shelton, Jr., Robert Joe - Request Officer Shelton to become a General Instructor for the Training Academy. He has 29 years of experience, and has completed the required Instructor Development.

12. Metro Nashville PD – Shelton, Jr., Robert Joe - Request Officer Shelton to become Specialized Instructor in the following area[s]:

Firearms

Officer Shelton has been with the department since 1988, and has completed the required courses as well as Instructor Development.

13. Morristown PD – Cliff, Daniel Cory - Request K-9 Captain Cliff to become Specialized Instructor in the following area[s]:

K-9

Captain Cliff has been with the department since 1993, and has completed the required course as well as Instructor Development.

14. MTSU PD – Featherstone, William Jared - Request Field Training Officer Featherstone to become Specialized Instructor in the following area[s]:

DUI Instructor

Field Training Officer Featherstone has been with the department since 2010, and has completed the required courses as well as Instructor Development.

15. Westmoreland PD – Pugh, James Logan - Request Sgt. Pugh to become Specialized Instructor in the following area[s]:

Firearms

Sgt. Pugh has been with the department since 2011, and has 11 years of law enforcement experience, and has completed the required course as well as Instructor Development.

16. White County SO – Capps, Craig L. - Request Lt. Capps to become Specialized Instructor in the following area[s]:

Firearms

K-9

Lt. Capps has been with the department since 2008, and has 8 years of law enforcement experience and has completed the required courses as well as Instructor Development.

Chairman Wilson noted that Nos. 3 and 4 should be corrected to Gibson County SO instead of Police Department.

Commissioner Rhoades moved to approve Items 1-16, seconded by Commissioner Lax. The motion carried.

CURRICULUM AND TESTS – 1110-04

The following Items 1 through 15 have been reviewed by POST Investigators and appear to be in order and meet or exceed minimum standards for POST requirements:

1. Alcoa PD – Firearms, 8 hours.
2015 Training Year
2. Bartlett PD – In-service, 40 hours, CSA/EVOC/MI/FA.
2015 Training Year
3. Clay County SO – In-service, 40 hours, CSA/EVOC/MI/FA.
2015 Training year

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4. Dandridge PD- In-service, 12 hours, CSA/EVOC/MI/FA.
2015 Training Year
5. Decherd PD – In-service, 2 hours DIDD Service and Investigation Process.
Add to previously approved training #15-276
July 10, 2015
6. Greenfield PD – Firearms, 8 hours.
July 24 & 31, 2015
2015 Training year
7. Hardeman County SO – Firearms, 8 hours.
Sept. 2 & 4, 2015
2015 Training year
8. Hohenwald PD – In-service training, 40 hours, CSA/EVOC/MI/FA.
June 8-12, 2015
2015 Training Year
9. Huntingdon PD –In-service, 41 hours, CSA/EVOC/MI/FA.
April 13-17, 2015
2015 Training year
10. Lorman Education Services – Brady v. Maryland: Criminal Procedural Rights and Civil Causes of Action. 1.5 hours
Live Webinar, U.S
July 13, 2015
11. Metro Nashville PD – Request approval for the 2015 In-service Training Catalog, curriculum and hours. CSA/EVOC/MI/FA.
2015 Training year
12. Metro Nashville PD- Firearms, 8 hours.
2015 Training year
13. Nuclear Fuels Services - In-service training, 40 hours, FA
2015 Training year
14. Sevier County SO – Annual SRO In-service, 32 hours, CSA/EVOC/MI.
July 6-9, 2015
2015 Training year
15. 3rd Judicial District -Assistant District Attorney General – Basic Report Writing for Law Enforcement – 2 hours – Hancock County.
June 16, 2015
2015 Training Year

Commissioner Chrisman moved to approve Items 1-15, seconded by Commissioner Williamson. The motion carried.

SPECIALIZED TRAINING CURRICULUM – 1110-04-.09

The following Items 1 through 20, have been reviewed by POST Investigators and appear to be in order and meet minimum standards for Specialized Training Substitution. Child Sexual Abuse, EVOC, Mental Illness and Firearms must be completed and documented to complete requirements for In-service training. Those specialized schools including Child Sexual Abuse training will be designated as they are approved for POST information.

1. Clarksville PD – Field Training Officer Course, 40 hours
 July 6-10, 2015
2. Fentress County SO – STOPS Basic Course, 8 hours
 July 22 & 29, 2015
 2015 Training Year
3. Fentress County SO – TASER Certification Training, 8 hours
 June 10, 2015
 2015 Training Year
4. Hamilton County SO – SRO Training – 16 hours
 August 5 & 7, 2015 – Chattanooga State Technical & Comm. College
5. Hamilton County SO – Finding Solutions for Violence in Schools, 24 hours.
 July 21-23, 2015 – Sequoyah Overlook Training Facility.
6. Holston International Training and Consulting, LLC –Request the following training held at
Johnson City PD be POST approved:
 Active Shooter Instructor Course – 32 hours
 Aug. 3-6, 2015

 Street Survival – 32 hours
 Aug. 24-27, 2015
7. Morristown PD –Dual Purpose Canine Handlers Course – 240 hours
 Aug. 3 – September 11, 2015
8. Murfreesboro PD – Safari land Less Lethal Instructor Course – 32 hours,
 July 7-10, 2015
9. Rutherford County SO – DUI/SFST Training Course, 24 hours
 2015 Training Year
10. Dept. of Safety & Homeland Security –Request approval for the following courses:
 Sovereign Citizen Movement – 2 hours
 2015 Training Year

 Liaison Officer Program – 9 hours
 2015 Training Year

 Introduction to Terrorism - 2 hours
 2015 Training Year

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Critical Infrastructure Awareness – 1 hour
2015 Training Year

Domestic Extremism – 2 hours
2015 Training Year

Homegrown Violent Extremism – A Call to Global Jihad – 2 hours
2015 Training Year

Consolidated Records Management System – 2 hours
2015 Training Year

52nd D.A.R.E. Officer Training -80+ hours. CSA
May 31-June 12, 2015 – Cleveland, TN
Natchez Trace State Park

11. Dept. of Safety & Homeland Security –Research Planning & Dev. - 2015 Certification – Electronic Collision Data Capture – 8 hours – Training held across the State.
2015 Training Year
12. Dept. of Safety & Homeland Security – Criminal Investigation Division – 2015 National Odometer and Title Fraud Association's (NOTFEA) Annual Training Conference – Nashville, 24 hours.
Aug. 23-27, 2015
13. Dept. of Safety & Homeland Security – Advanced Traffic Crash Analysis, 80 hours.
Aug. 24-September 4, 2015
14. Sevier County SO – Courthouse/Courtroom Security School, 36 hours, CSA/EVOC/MI.
Nov. 16-20, 2015
15. Shelby County SO – Instructor Development, 40 hours
June 15-19, 2015
2015 Training year
16. Sullivan County SO – Police Instructor Class – 40 hours
October 26 – 30, 2015
17. Sullivan County SO – Level III Police Sniper Course – 24 hours
September 14-16, 2015
18. TACP – July, 29-31, 2015, July Annual Conference, Knoxville, TN.
20. 5 hours/CSA/EVOC/FA.
19. TN Sheriff's Association – TSA - -June Training Sessions, 14 hours
14.5 hours

20. UT – Law Enforcement Innovation Center – First Line Supervision and Management -16 hours.
June 22-23, 2015 – Winchester, TN

Commissioner Williamson moved to approve Items 1-20, seconded by Commissioner Rhoades. The motion carried.

OLD BUSINESS

The following request was included on the June, 2015 POST agenda at which time the Commission voted to postpone any action to allow for POST Investigator Welch to obtain more information.

Cleveland State Community College – Williams, Fredrick –

Requesting a waiver for a guilty plea to Theft of Property of a company credit card. He indicates that he reported that he lost the card to his supervisor who did not then report it to the company. Someone found the card and charged over \$1000 worth of gas on it and the company held him responsible. He agreed to pay the \$1000 restitution throughout probation. Requesting a waiver so that he may attend CSCC.

According to the Affidavit of Complaint from the General Sessions Court of Hamilton County dated 04-18-2006 the complainant (Frederick Williams) charged about \$2,000 on a gas in Chattanooga and Chicago, Illinois, on a credit card given to him by his employer Alexian Brothers. Mr. Williams stated in an interview with Detective Wilson from the Chattanooga PD that he purchased gas off duty using the company's credit card in Chicago, Illinois, traveling to take care of business, and had receipts showing all locations where the gas card was used. He was given the opportunity to reimburse the company but refused to do so.

Mr. Welch announced that Cleveland State is withdrawing the request. No action is necessary.

NEW BUSINESS/ITEMS FOR DISCUSSION

Resolution –FYI

A resolution to urge development and implementation of additional specialized mental health crisis intervention training for law enforcement officers.

Mr. Grisham informed the members of the commission that the sponsors of the resolution that will come up in the next legislative session had asked POST to review the proposed resolution. He added he thinks it is appropriate that POST endorse the resolution. It is to enhance a true reality in citizen/officer interaction in this day and age with increased prevalence of persons with mental illness that are no longer institutionalized. Awareness and training need to be ramped up along those lines. There are currently six hours in the basic class that go beyond just the usual force continuum but using other techniques to interact with people with mental illness. The resolution encourages training and with the Department of Mental Health to assist in the curriculum. Mr. Grisham added that TLETA has a model lesson plan already out. He added that this is separate from the DIDD lesson plan that is also enforced.

Commissioner Rhoades asked if this is something that would be added to in-service. Mr. Grisham said that it would be suggested. He said there are currently six hours in basic, but the model lesson plan that has been around for mental illness intervention is about an hour or two within a forty-hour basic.

Commissioner Williamson moved to accept or to adopt the endorsement, seconded by Commissioner Chrisman. The motion carried.

After continuing with the agenda and discussing other matters, Mr. Grisham asked Chairman Wilson to go back to New Business for discussion.

Mr. Grisham noted that the commissioners have documents with a list of thirty-two names. He explained that in May of 2015, he was approached by the news media, which is in attendance, regarding the officers on

the list and one additional officer, all former or current employees of Metro Nashville PD, asking what status those officers held with POST. The first few officers listed were disciplinary issues that came to the POST Commission's attention and were dealt with. However, many of the records have no notification of the current status and no notification of termination or any kind of major change to their employment. Some of those on the list appear to be working to this day. From the media's review of the personnel files at Metro PD, many of these officers have resigned or have been suspended for long periods of time, which would trigger the need to file a change of status form with the POST Commission. Mr. Grisham remarked that on the previous day, POST received approximately eighty change of status forms filed by Metro Nashville PD. Several of those forms address most of the people on the list, plus others that POST has to go through. There is also included a letter from Chief Anderson explaining the situation. Mr. Grisham asked the commissioners to read that letter and become familiar with it.

Mr. Grisham explained that in his review of the documents provided, one individual officer was in the process of disciplinary action with Internal Affairs' review of an incident alleging excessive force in which the officer was indicted and prosecuted and entered pretrial diversion. The officer was allowed to resign after a thirty-day suspension for personal reasons. The officer has gone on to work for another department. Mr. Grisham said there are at least two other cases in which officers were allowed to resign for personal reasons and have obtained employment elsewhere in other departments.

Mr. Grisham remarked that POST honors settlement agreements and that is a reality in employment cases where departments have to settle employment cases. However, if the matter rises to a level of a thirty-day suspension, that is something that POST needs to be notified of. Mr. Grisham said it will take time to go through the submissions and there is some supporting documentation giving details of the suspensions or the underlying employment action. He said several of the documents are notifying POST of a fifteen-day or longer suspension, which is what the rule requires, and POST cannot take any action on those. Those suspensions that are thirty days or longer would be looked at on a case-by-case basis and brought to the commission's attention. Mr. Grisham said the communication needs to be improved as Chief Anderson has proposed in these particular cases.

Mr. Grisham remarked that if the commission wants to give POST time to review the paperwork and see if there is any action necessary, he feels that should be done. He said he did not think auditing at this point would help. They can tell which full-time officers are there from salary supplement records. Metro's personnel is listed in the Acadis system and POST can determine from the change of status forms who is in a pending status.

Commissioner Chrisman asked Mr. Grisham if the submission from Metro brings the information current. Mr. Grisham responded he feels Metro is current from what he has seen. He added that there were several documents presented to the media, not to POST, from personnel files where it appears to be a settlement agreement to the effect that the officer says he/she will take a thirty-day suspension and will resign in good standing. One settlement agreement has the language that as long as the department does not challenge the officer's POST certification. Mr. Grisham remarked that is an area that needs to be cleared up. Mr. Grisham said he feels there is enough information that has been submitted to update the status. Commissioner Chrisman asked if Mr. Grisham anticipates reviewing all of the documentation and coming back with an update at the next meeting. Mr. Farris answered affirmatively.

Commissioner Long asked if the department can negotiate waiver of POST rules in the agreement to separate. Mr. Grisham noted that settlement agreements are within the civil service process, however, they cannot negotiate waiver of POST rules. Mr. Underwood said the department did not follow the rules by providing verification of thirty-day suspension or resignation. Commissioner Long asked in the one Mr. Grisham reviewed, if the department negotiated a settlement agreement which included not notifying POST. Mr. Underwood answered he is not sure POST has that information. Commissioner Williamson asked if that was the agreement where the officer agreed to resign if the department would not challenge the POST certification. Mr. Grisham answered that if the officer agreed if he was allowed to resign for personal

reasons, he would accept the thirty-day suspension as long as his POST certification was not challenged. The other ones were not as specific. He said there were twelve other documents where it looks as if it were a form settlement agreement that says the officer will resign in good standing, period. Mr. Grisham said the problem is still the thirty-day suspensions or greater than fifteen-day suspensions. He added that the issue is POST is a clearing house for background checks and officers have gone on and worked at other agencies, and POST does not have the information to give to the new agency. The new agency should be able to contact POST and the former department to find out what the employment history is, and what POST would show is resigned in good standing or resigned for personal reasons.

Mr. Welch remarked he feels the commission needs to allow POST some time to look into each submission and weed those out and come back to the commission and make a recommendation. He noted it is going to take some time to go through the documentation as there are eighty on the list. Commissioner Wheeler said he did not know if thirty days is going to be enough time for POST to come back to the commission with the information. Mr. Grisham responded that he will need to bring a separate investigator over from the academy and go through all the paperwork as there is not sufficient personnel at POST to do this. Commissioner Lax asked if the eighty files are just the beginning and how far back this goes. Mr. Grisham said the oldest file was from 2009 that was received the prior day. Mr. Underwood said that that was approximately when the rules changed regarding resigning in lieu of termination. Mr. Grisham added that it is one of these cases that prompted the rule change because the officer resigned when Internal Affairs stepped in. Before 2009, POST had no grounds for any kind of disciplinary action for resigning in lieu of termination.

Commissioner Long asked for clarification concerning the ones which says "not enough information to take action". Mr. Grisham said those are his comments in that there is not enough information on that case to make a determination. Mr. Farris said that POST will work as many of the names as possible between now and the next meeting and present the ones that are completed properly and thoroughly and continue on and bring others back as they are completed.

In other New Business, Mr. Grisham directed the commission to a letter from District Attorney General Mike Flynn and District Attorney General Dave Clark concerning Oak Ridge Police Chief James Akagi. Mr. Underwood summarized that the district attorney generals are saying they will not seek to bring any criminal action against the chief as there is no violation of the law in their determination. Mr. Grisham added POST also heard from the U.S. Attorney who said they did not find any federal violation. Mr. Grisham stated for the record that he is not confused with the difference of an ex parte order of protection or a permanent order of protection. POST record's indicated an ex parte order of protection was issued and it was left in place for fourteen months following a hearing, which makes it a permanent order of protection. He reiterated that he is not confused as alleged. Mr. Farris said he will respond in writing that POST is satisfied with the decision.

AUDITS – JOHN WELCH

The departments listed below were audited on dates listed in accordance with POST Rule 1110-5-.01(3). Meet POST standards, unless otherwise indicated. *Indicates missing documents that will require re-audit in 30-45 days.

June 16, 2015

Roane County SO

Kingston PD* –Need to submit time sheets on part-time. Will need to

Re-audit in 45/60 days

Oliver Springs PD

Rockwood PD* - Need to re-audit in 45/60 days.

Harriman PD

June 17, 2015

Smith County SO

Cumberland County SO

MINUTES FOR COMMITTEE POST COMMISSION MEETING

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JULY 17, 2015

Monterey PD
Putnam, County SO
Algood PD

June 18, 2015

Warren County – Re-audit – Meet POST standards

June 19, 2015

Cannon County – Re-audit – Meet POST standards.

June 11, 2015

Crossville PD
DeKalb County SO* - will email missing documents
Sparta PD
Van Buren County SO

June 24/25, 2015

Baxter PD
Fairfield Glades Public Safety
Grainger County SO
Rutledge PD
Bean Station PD
Blaine PD

Commissioner Williamson moved to approve the audit reports, seconded by Commissioner Rhoades. The motion carried.

Norris PD – Roach, Richard Lynn

Waiver to attend another academy – POST Rule 1110-02-.03(3)

Request is made for a waiver of the above rule to allow Officer Roach to attend another academy. He attended Knox County Sheriff's Office Basic Police School in Aug. 2012, but during week 7 he had a medical issue concerning his gall bladder for which he had to spend the night in the hospital. He did return and complete the academy but was unable to complete the practical exercise in defensive tactics. He was employed as a correctional officer with Knox County until 04-2015. He became full time with Norris PD on 04-14-2015 and requests a waiver to attend the WSCC as an employee with the Norris PD.

Commissioner Lax moved to approve, seconded by Sen. Bell. The motion carried.

WAIVERS OF SIX (6) MONTH RULE:

Jefferson County SO – Daniels, Kayla Louise – Request waiver of the six month rule Of Deputy Daniels. She became full time on 01-01-2015 and is attending the Blount County Training Academy, which began in June, 2015. Request a waiver so upon successful completion, she may be issued POST Certification.

Commissioner Chrisman moved for approval, seconded by Commissioner Wheeler. The motion carried.

Mr. Grisham notified the chairman that there are some items under New Business that need to be discussed and asked to go back to that portion of the agenda. (See above under New Business)

Petersburg PD – 2013 Salary Supplement

Request that Officer Lashwood be paid salary supplement for the 2013 training year. He was inadvertently left off the roster due to illness of the Chief at the time. He completed the requirements, but was not included, requesting that he receive the 2013 salary supplement.

Commissioner Wheeler asked if POST has all the paperwork needed to show Officer Lashwood was an employee at Petersburg PD during that time. Inv. Murphy responded that he has reviewed all of the in-service and training records and Officer Lashwood is in compliance.

Commissioner Chrisman moved to approve the request, seconded by Commissioner Wheeler. The motion carried.

ADMINISTRATIVE WAIVER

Madison County SO – Willis, Charles Ray

Requesting an Administrative Waiver for an (Uncharacterized) Discharge (entry level separation) he received from the National Guard. He entered the Guard on 08-08-2006 and served approximately nine (9) months, but while attending his initial training at Ft. Leonard Wood in Oct, 2006 his father became ill and was sent home on emergency leave and he passed away. He returned and submitted paperwork for a hardship discharge. He became full time with Madison County on 06-16-2015 and is certified and request a waiver to remain in certified status with the department.

Commissioner Williamson moved for approval, seconded by Commissioner Fanion. The motion carried.

MEMPHIS VARIOUS WAIVERS FOR 2014 SALARY SUPPLEMENT

See attached pages for waivers for Memphis.

WAIVER FOR MEDICAL – RULE 1110-09-.06

The following departments are requesting a waiver for medical reasons for the 2014 calendar. Officers did not complete in-service training. These officers will be eligible for salary supplement, since they completed all requirements.

Commissioner Chrisman moved to approve the medical waivers, seconded by Commissioner Wheeler, which motion carried.

WAIVERS FOR MILITARY LEAVE – RULE 1110.-09-.06(5)

The following departments are requesting a waiver for military service for the 2014 calendar. Military orders are included along with change of status. These officers will be eligible to receive salary supplement.

Commissioner Long moved to approve the military waivers, seconded by Commissioner Wheeler. The motion carried.

WAIVER OF THE EIGHT-MONTH RULE – RULE 1110-09-.06

The following Memphis Police officers completed the required in-service, including EVOC/CSA/MI and Firearms, and for reasons specified on each request are asking for a waiver of the eight-month rule. They will be eligible for 2014 salary supplement, if in-service training was completed.

Commissioner Chrisman moved to approve, seconded by Commissioner Long. The motion carried.

WAIVER OF THE EIGHT-MONTH RULE – RULE 1110-09-.06

The following officers are requesting a waiver of the eight-month rule. They have not completed IST and have either retired, resigned or terminated employment with the department during the 2014 training year. Officers are NOT eligible for salary supplement (unless they have completed the required in-service training), but request waiver so that they remain in compliance with POST guidelines.

Commissioner Chrisman moved to approve, seconded by Commissioner Williamson. The motion carried.

MEMPHIS POLICE DEPARTMENT - WAIVER OF THE EIGHT-MONTH RULE – IN-SERVICE TRAINING WAIVER REQUEST 2014

Medical – Did Not Complete 40 hours of in-serve training. Did not complete 8 month full-time service.

Commissioner Chrisman moved to approve, seconded by Commissioner Wheeler. The motion carried.

MEMPHIS POLICE DEPARTMENT – IN-SERVICE TRAINING WAIVER REQUEST 2014 – INELIGIBLE.

DECEASED: Did not complete eight-month full-time service and did not complete forty hours in-service training.

Commissioner Chrisman moved to approve the waiver, seconded by Commissioner Williamson. The motion carried.

MEMPHIS POLICE DEPARTMENT IN-SERVICE TRAINING WAIVER REQUEST 2014, INELIGIBLE, EIGHT-MONTH WAIVER IN-SERVICE TRAINING. TERMINATED: Did not complete forty hours in-service training, did not complete eight-month full-time service.

Commissioner Rhoades moved to approve, seconded by Commissioner Wheeler. The motion carried.

MEMPHIS POLICE DEPARTMENT – IN-SERVICE TRAINING WAIVER REQUEST 2014, INELIGIBLE. EIGHT-MONTH WAIVER. ADMINISTRATIVE: Did not complete eight-month full time service, did not complete forty hours in-service training.

Commissioner Rhoades moved to approve, seconded by Commissioner Lax, which motion passed.

The next POST meeting will be held on Friday, August 21. Mr. Grisham said the Informal Hearing Committee will be notified if a meeting is to be held on Thursday, August 20th.

Mr. Grisham announced that a director's meeting of all eleven training academies will be held at Montgomery Bell State Park on August 31 and September 1. He invited any of the commissioners who are interested to attend the meeting. The executive director of IADLEST, of which Mr. Grisham is vice-president, will address the group. Mr. Farris said he would send the details to the commissioners if they wish to attend.

Mr. Grisham informed the commission that they will be provided with iPads for their use at the commission meetings and hopes this will occur within the next couple of months.

Mr. Welch addressed the commission and informed them this will be his last POST Commission meeting. He added that he has been attending the meetings since 1993. Mr. Grisham added that he will ask Mr. Welch to attend the meeting in August to be recognized. Mr. Welch told the commission that of all the things he has done in his career, this is one of the highlights. He remarked that the POST Commission is setting the standards and enforcing the standards, and everything they do on a daily basis is making the law enforcement family in the state of Tennessee stronger each day. He expressed hopes that the POST Commission continues to do that.

There being no further business, the meeting adjourned.

RESPECTFULLY SUBMITTED

Patsy Norman
LCR #410
State of Tennessee

APPROVED: _____
RIC WILSON
Chairman

DATE: _____